

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
**ASBESTOS LITIGATION**

**Docket No:** L-8138-10 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE OF JOSEPH ATAMANIUK,

*Plaintiff(s),*

vs.

AARON & CO., INC., et al

*Defendant(s).*

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz,  
on May 6, 2011 and the following firms appearing:

Keefe Bartels	Jennifer Harwood, Esq.	Plaintiff(s)
Goldfein & Joseph	Madhurika Jeremiah, Esq.	ACL; Bell
Hardin Kundla	Ann Mader McKeon, Esq.	Aaron Co., Inc.
Hoagland Longo	Cristyn D. Clifton, Esq.	Goulds Pumps
Jones Law Office	Richard V. Jones, Esq.	Metropolitan Life
Segal McCambridge	Mia Folger, Esq.	Stryker Paint

IT IS on this 20<sup>th</sup> day of May, 2011 *effective from the conference date;*

ORDERED as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to R.1:5-2.

Defense counsel shall notify plaintiffs' counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

**DISCOVERY**

July 15, 2011	Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
August 19, 2011	Plaintiff shall serve answers to wrongful death interrogatories by this date.
July 29, 2011	Defendants shall serve answers to standard interrogatories by this date.
August 12, 2011	Plaintiff shall propound supplemental interrogatories and document requests by this date.

September 9, 2011	Defendants shall serve answers to supplemental interrogatories and document requests by this date.
August 12, 2011	Defendants shall propound supplemental interrogatories and document requests by this date.
September 9, 2011	Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
October 31, 2011	Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.
October 31, 2011	Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

November 7, 2011	Settlement demands shall be served on all counsel and the Special Master by this date.
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#### **SUMMARY JUDGMENT MOTION PRACTICE**

November 18, 2011	Summary judgment motions limited to product identification issues shall be filed no later than this date.
December 16, 2011	Last return date for product identification summary judgment motions.

#### **MEDICAL DEFENSE**

August 19, 2011	Plaintiff shall serve executed medical authorizations by this date.
July 29, 2011	Defendants shall forward medical authorizations to plaintiff's counsel by this date.
July 15, 2011	Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
July 29, 2011	Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.
November 4, 2011	Plaintiff shall serve additional medical expert reports by this date.
November 4, 2011	Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
January 6, 2012	Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

December 2, 2011      Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.

January 6, 2012      Defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.

### **ECONOMIST EXPERT REPORTS**

December 2, 2011      Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

January 6, 2012      Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

### **EXPERT DEPOSITIONS**

January 31, 2012      Expert depositions shall be completed by this date. To the extent that plaintiff and defendant generic experts have been deposed before, the parties seeking that deposition in this case must file an application before the Special Master and demonstrate the necessity for that deposition. To the extent possible, documents requested in a deposition notice directed to an expert shall be produced three days in advance of the expert deposition. The expert shall not be required to produce documents that are readily accessible in the public domain.

### **PRE-TRIAL AND TRIAL**

February 1, 2012 @ 10:00am      Final settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone. Any request to be excused from the settlement conference shall be made to the Special Master no later than 4:00pm of the day prior to the conference.

February 27, 2012      Trial Date.

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc:      Clerk, Mass Tort  
         Brody Deposition Services  
         Priority One